IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37905 of 2007(K)

OS.401/2003 of II ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

K.RAJASEKHARAN NAIR,
S/O. KESAVAN NAIR, AGED 47 YEARS, `BODHY COLLEGE',
WINNERS NAGAR, PEROORKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJESH

RESPONDENT:

SHYAMALA RAJAGOPAL,
W/O. RAJAGOPALAN PILLAI, AGED 45 YEARS,
GOPALAYAM, SREERAM NAGAR, NETTAYAM, KACHANI P.O.,
PEROORKADA VILLAGE, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 37905 OF 2007

Dated this the 19th day of December, 2007

J U D G M E N T

This writ petition is filed seeking for a direction to the Subordinate Judge, Thiruvananthapuram, to consider and dispose of Exts. P8 to P10 applications and in the meanwhile for a direction to stay the demolition of a shed in Sy. No.528/3-1 of Peroorkada Village pending disposal of the writ petition. It is submitted by the learned counsel for writ petitioner that he was running a tutorial college in pursuance of an agreement for sale and has been in possession of the property and thereafter the vendor has absconded. Now the property is taken possession of through the court. It is submitted that the plaintiff has also instituted a suit and the question whether he is entitled to remain there, is a matter that has to be adjudicated. His limited prayer is that till a final decision is taken on Exts.P8 to P10 applications, the demolition of the shed in Sy. No.528/3-1 of Peroorkada Village be stayed.

2. On consideration of the entire materials I find that there is some force in the said contention. Therefore, I direct the

Subordinate Judge, Thiruvananthapuram, to consider and dispose of Exts. P8 to P10 applications within a period of one month from the date of reopening of the court after Christmas holidays. In the meanwhile a further direction is given to the respondent not to demolish the shed till a decision is taken on Exts.P8 to P10 applications. I make it clear that if the shed is already demolished, nothing further is to be done in the matter and if not, this will come into force.

M.N.KRISHNAN, JUDGE

vps